

42 U.S.C. §1983 - FORCE

City of Escondido (CA) v. Emmons, --- U.S. --- (2019)

Decided January 7, 2019

FACTS: In April 2013, Escondido Police received a 911 call from Maggie Emmons, concerning domestic violence. Officer Houchin responded and the domestic call escalated, resulting in the arrest of Maggie's husband, for injuries he inflicted on Maggie. He was soon released. On May 27, police received another 911 call, this time conveyed by Douglas' mother – Douglas being a roommate of the Emmons. She had received a call from her daughter, screaming for help, and the daughter appeared to be fighting with Maggie Emmons. Officer Houchin again responded, along with Officer Craig. Dispatch told the officers there might be two children in the apartment and that call-backs to the apartment were going unanswered.

Officers knocked but got no answer. They were able to speak to Maggie Emmons through an open window and they tried to get her to open the door for a welfare check. A man inside told Emmons to "back away from the window," but officers could not identify him. Additional officers arrived as backup. A man emerged and tried to brush past Officer Craig, leaving the apartment. Officer Craig told him to leave the door open, but he did not, shutting it behind him. Officer Craig seized the man, took him to the ground and handcuffed him. The body worn camera did not indicate the man to be in any discomfort as a result. The man was brought to his feet and arrested for a misdemeanor offense. The man turned out to be Marty Emmons, Maggie's father. He ultimately sued Officer Craig and Sgt. Toth under 42 U.S.C. §1983, claiming excessive force. The District Court upheld the arrest and the force used to effect it, finding the officers had probable cause, and further that the "video shows that the officers acted professionally and respectfully" in their interaction with Emmons. The Ninth Circuit reversed that decision and remanded it to trial.

The officers requested certiorari and the U.S. Supreme Court granted review.

ISSUE: Is an officer immune from suit if it is even debatable whether the force used was excessive under clearly established law?

HOLDING: Yes

DISCUSSION:

The Court first reversed the decision concerning Sgt. Toth, which the U.S. Supreme Court found puzzling as only Officer Craig was involved in the use of force claim.

With respect to Officer Craig, the Court noted:

As we have explained many times: “Qualified immunity attaches when an official’s conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”¹

Under existing precedent, and particularly with respect to excessive force cases, the court continued:

Specificity is especially important in the Fourth Amendment context, where the Court has recognized that it is sometimes difficult for an officer to determine how the relevant legal doctrine, here excessive force, will apply to the factual situation the officer confronts. Use of excessive force is an area of the law in which the result depends very much on the facts of each case, and thus police officers are entitled to qualified immunity unless existing precedent squarely governs the specific facts at issue. . . . “[I]t does not suffice for a court simply to state that an officer may not use unreasonable and excessive force, deny qualified immunity, and then remit the case for a trial on the question of reasonableness. An officer cannot be said to have violated a clearly established right unless the right’s contours were sufficiently definite that any reasonable official in the defendant’s shoes would have understood that he was violating it.”²

With Emmons’ arrest, the Court agreed that the Ninth Circuit “should have asked whether clearly established law prohibited the officers from stopping and taking down a man in these circumstances.” The Court found the Ninth’s Circuit evaluation to be “far too general” in applying a force case that involved passive resistance to the situation, and the Ninth Circuit “made no effort to explain how that case law prohibited Officer Craig’s actions in this case.”

The Court agreed that the proper analysis was “whether clearly established law barred Officer Craig from stopping and taking down Marty Emmons in this manner as Emmons exited the apartment.” The Court vacated the decision with respect to Sgt. Toth, and remanded the case back to the Ninth Circuit to analyze the case against Officer Emmons using the correct process.

FULL TEXT OF DECISION: https://www.supremecourt.gov/opinions/18pdf/17-1660_5lfl.pdf

¹ *Kisela v. Hughes*, 584 U. S. ___, ___ (2018) (per curiam) (slip op.), see *District of Columbia v. Wesby*, 583 U. S. ___, ___ (2018); *White v. Pauly*, 580 U. S. ___, ___ (2017) (per curiam); *Mullenix v. Luna*, 577 U. S. ___, ___ (2015) (per curiam).

² *Id.*, at ___ (slip op., at 5) (quotation altered).